

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

04 10619 RCL Civil Action No.

JAMES R. MENARD,
Plaintiff

vs.

C&S WHOLESALE GROCERS,
INC., et al.,
Defendants

MAGISTRATE JUDGE RBC

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court
for the District of Massachusetts

RECEIPT # 54919
AMOUNT \$ 125 130.00
SUMMONS ISSUED N/A
LOCAL RULE 4.1 1
WAIVER FORM 1
MCF ISSUED 1
BY DPTY. CLK. F.O.M.
DATE 3/31/04

Petitioners, C&S Wholesale Grocers, Inc. ("C&S") and Marilyn Tillinghast ("Ms. Tillinghast") collectively known as ("Defendants"), respectfully state to the Court:

1. On or about February 25, 2004, Plaintiff James R. Menard ("Plaintiff") commenced in the Norfolk County Superior Court Department of the Trial Court of the Commonwealth of Massachusetts (Civil Action No. 04-00317 B) a civil action against Defendants. Plaintiff's complaint alleges Defendants discriminated against Plaintiff on the basis of age in violation of Massachusetts General Laws Chapter 151B. A copy of the complaint is attached hereto as Exhibit 1.

2. Defendants were served, and received within the meaning of 28 U.S.C. § 1446, copies of the complaint and a summons on March 3, 2004. A copy of the summonses are attached hereto as Exhibit 2.

3. Defendants served their answer on March 22, 2004.

4. Defendants were served and received a copy of the Civil Action Cover Sheet on March 23, 2004. A copy of the Civil Action Cover Sheet is attached hereto as Exhibit 3.

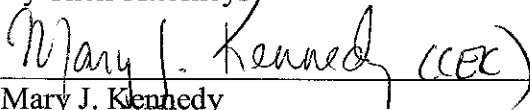
5. As appears from Plaintiff's complaint, Plaintiff is a Massachusetts resident residing in Worcester County. C&S is a Vermont corporation with its principal place of business in Brattleboro, Vermont. Ms. Tillinghast is a Vermont resident residing Putney.

6. The United States District Court has original diversity jurisdiction over this civil action pursuant to 28 U.S.C. § 1332 in that the matter in controversy is between citizens of different states and the amount in controversy exceeds in the sum or value of \$75,000, exclusive of interest and costs, and the case is removable under 28 U.S.C. § 1441.

WHEREFORE, Defendants request this Court to assume full jurisdiction over the action, as provided by law.

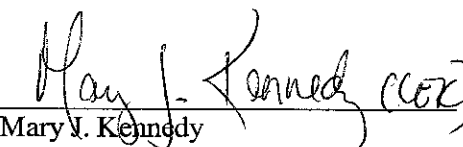
The Defendants
C&S WHOLESALE GROCERS, INC.
and MARILYN TILLINGHAST
By Their Attorneys)

Dated: March 30, 2004


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Certificate of Service

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail on March 30, 2004.


Mary J. Kennedy